



FARMERS BRANCH

ORDINANCE NUMBER 2983

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A GASOLINE FUELING STATION AND CONVENIENCE STORE LOCATED ON AN APPROXIMATELY 0.6862-ACRE TRACT AT 12103 WEBB CHAPEL ROAD, WITHIN THE LOCAL RETAIL 2 (LR-2) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City, to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter and Code of Ordinances of the City of Farmers Branch, and State law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow for a gasoline fueling station and convenience store on an approximately 0.6862-acre tract, located at 12103 Webb Chapel Road at the intersection of Webb Chapel Road and LBJ Freeway and within the Local Retail 2 (LR-2) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the LR-2 zoning district and in accordance with the approved site plan, attached as Exhibit "C". All exhibits attached hereto are incorporated herein by reference.

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 12TH DAY OF AUGUST, 2008.**

APPROVED:



Tim O'Hare, Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



Cindee Peters, City Secretary

LEGAL DESCRIPTION

Being a tract of land situated in the Isaac B. Webb Survey, Abstract No. 1574 and being a part of those tracts of land described as Tract Number 27 in Special Warranty Deed to Motiva Enterprises LLC, a Delaware limited liability company, as recorded in Volume 98203, Page 02898, Deed Records of Dallas County, Texas (D.R.D.C.T.), also being part of Lot 1, Block 1 of Shell Station Addition, an addition to the City of Farmers Branch, Dallas County, Texas, as recorded in Volume 95174, Page 04300, D.R.D.C.T. and being more particularly described as follows:

BEGINNING at a 1/2 inch set iron rod with yellow plastic cap stamped "HALFF ASSOC. INC." (hereinafter referred to as "with cap") for the northwesterly corner of that tract of land described in deed to the State of Texas, as recorded in Volume 2005024, Page 04572, D.R.D.C.T. and the northeast corner of said Motiva Enterprises tract, said corner also being in the westerly right-of-way line of Webb Chapel Road (a variable width public right-of-way);

THENCE South 00 degrees 54 minutes 02 seconds West, along the westerly right-of-way line of said Webb Chapel Road, a distance of 191.53 feet to a 1/2 inch set iron rod with cap for the most northerly corner of a corner clip for the intersection of said westerly right-of-way line of Webb Chapel Road with the northwesterly right-of-way line of Interstate Highway No. 635 (a variable width public right-of-way);

THENCE South 35 degrees 58 minutes 14 seconds West, departing said westerly right-of-way line of Webb Chapel Road and along said corner clip, a distance of 14.35 feet to a 1/2 inch set iron rod with cap for the most southerly corner of said corner clip, said corner also being in said northwesterly right-of-way line of Interstate Highway No. 635;

THENCE South 71 degrees 35 minutes 00 seconds West, along said northwesterly right-of-way line of Interstate Highway No. 635, a distance of 148.71 feet to a 5/8 inch found iron rod with cap stamped "KADLECK 3952" for the southwest corner of said Motiva Enterprises tract;

THENCE North 00 degrees 29 minutes 00 seconds East, departing said northwesterly right-of-way line of Interstate Highway No. 635 and along the west line of said Motiva Enterprises tract, a distance of 199.99 feet to a 5/8 inch found iron rod for the northwest corner of said Motiva enterprises tract;

THENCE North 71 degrees 37 minutes 20 seconds East, along the northwest line of said Motiva Enterprises tract, a distance of 158.95 feet to the POINT OF BEGINNING AND CONTAINING 29,891 square feet or 0.6862 acres of land, more or less.

EXHIBIT "A"

LOCATION MAP

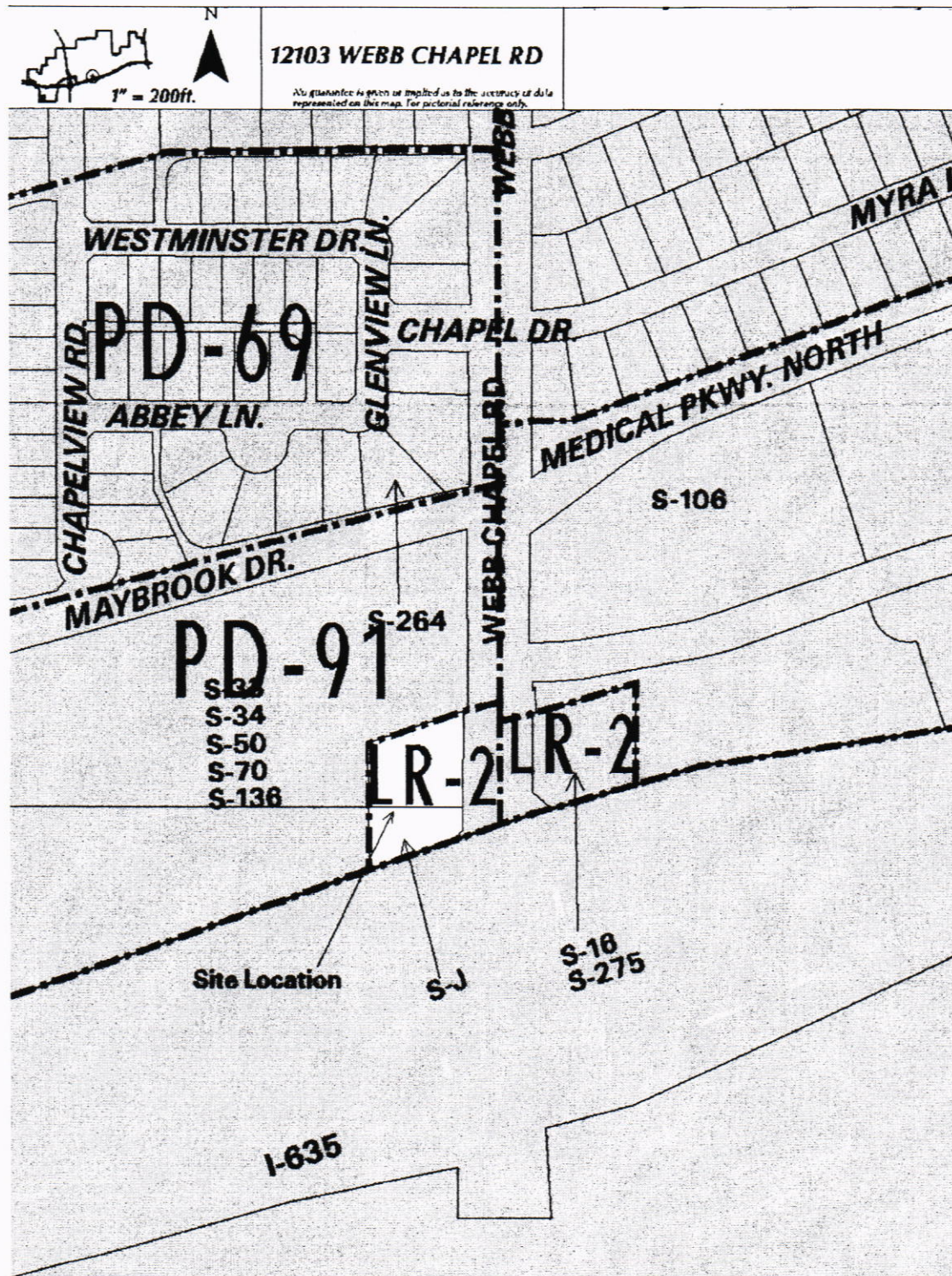


EXHIBIT "B"



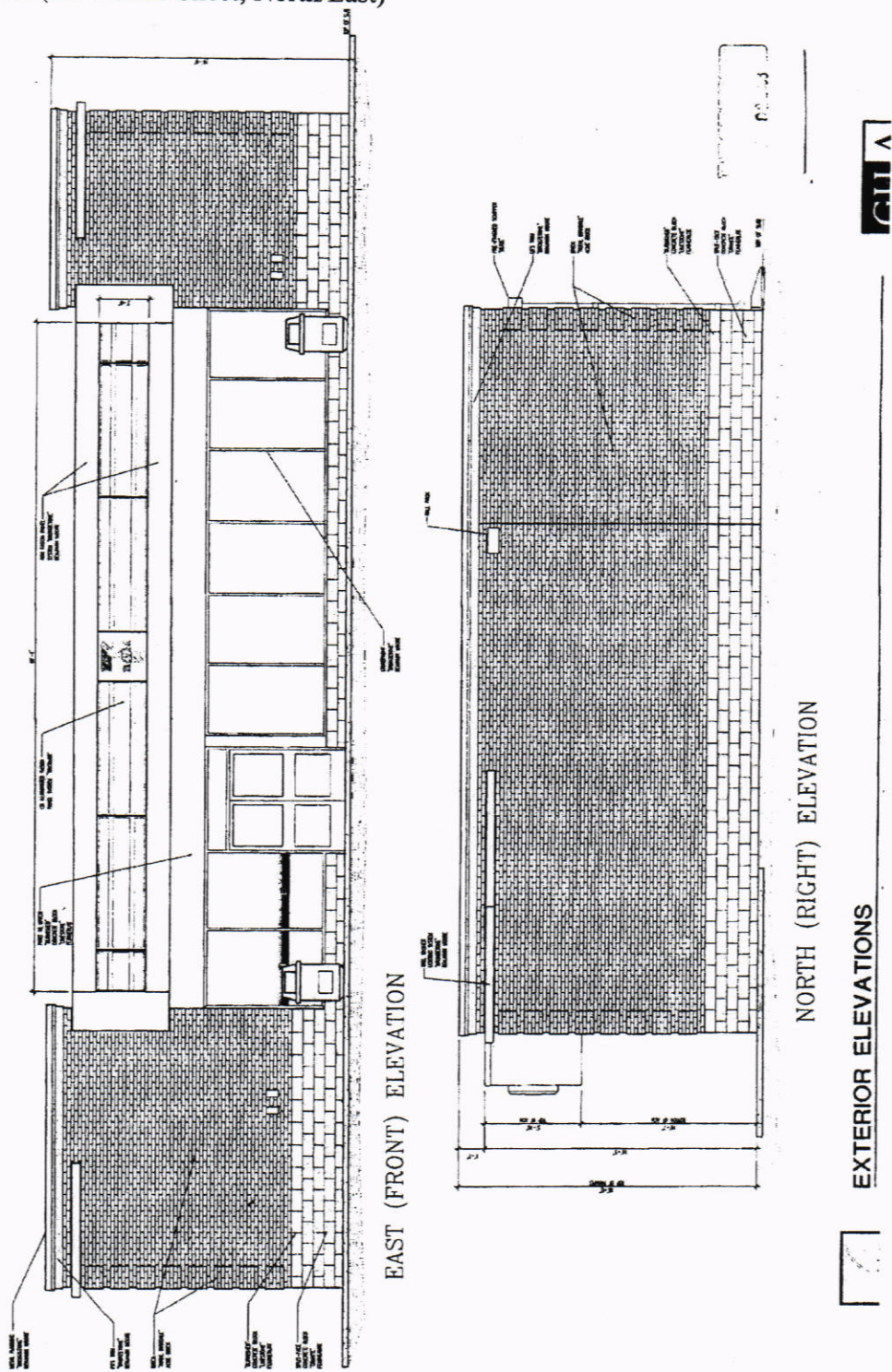


EXHIBIT "C"

SITE PLAN (Canopy Elevation Sheet)

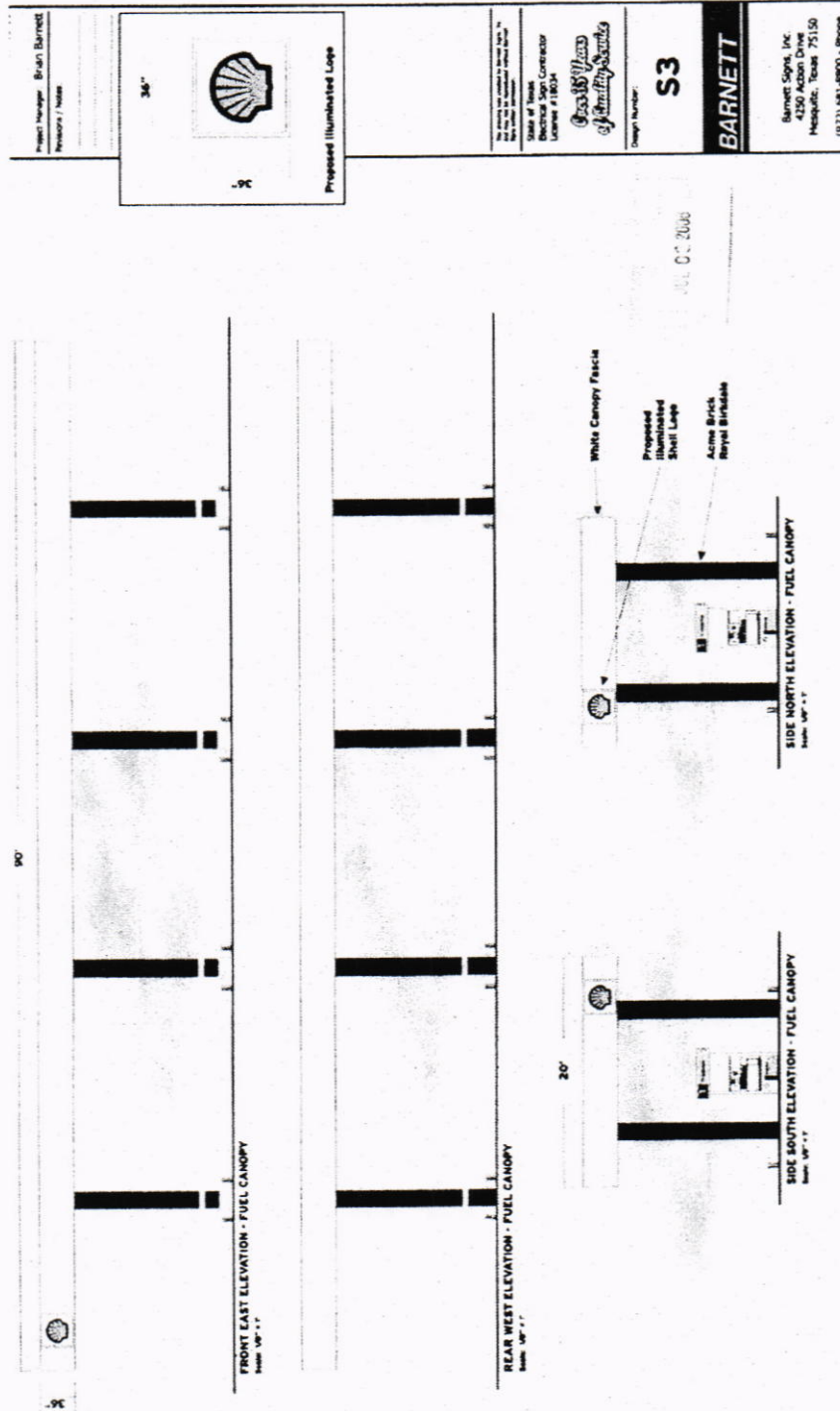


EXHIBIT "C"

SITE PLAN (LBJ Pylon Sign Elevation Sheet)

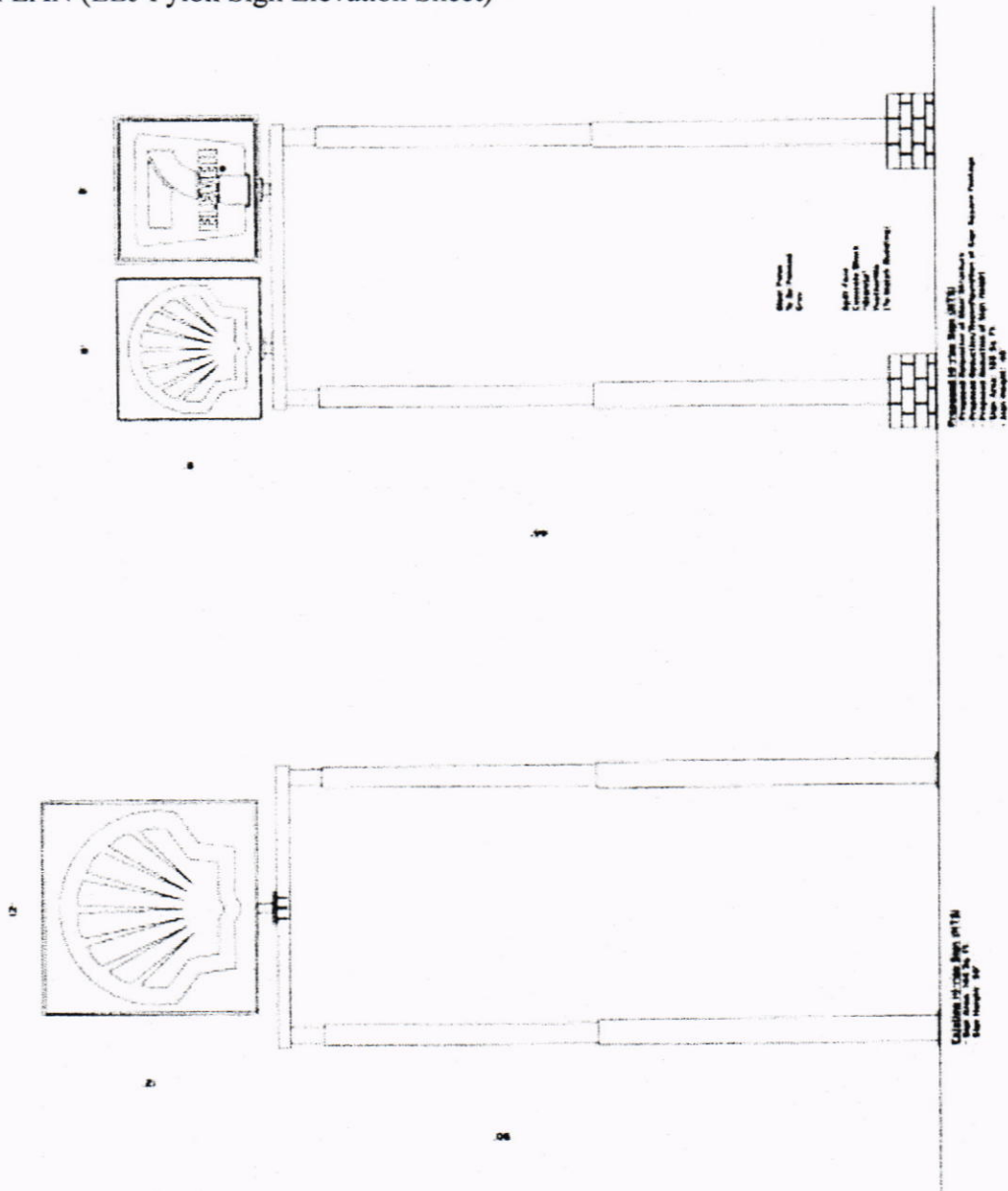


EXHIBIT "C"

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SITE PLAN (Webb Chapel Monument Sign Elevation Sheet)

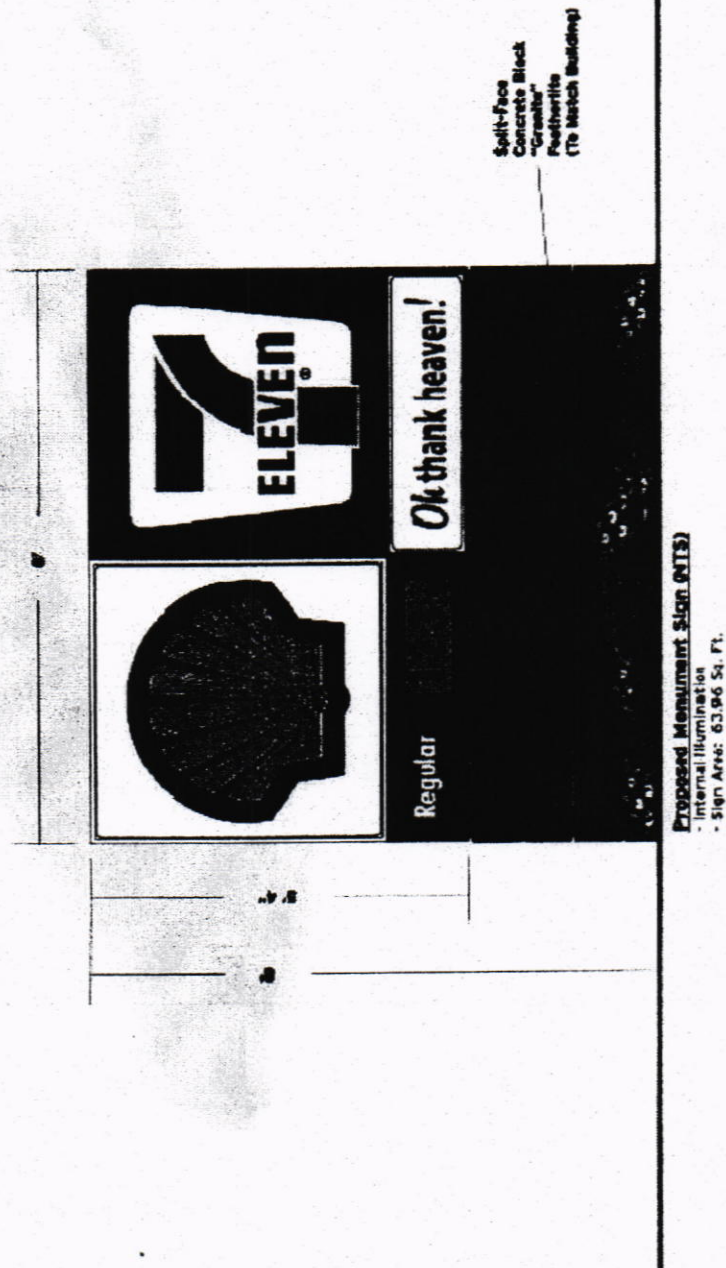


EXHIBIT "C"

SITE PLAN (Utility Plan Sheet)

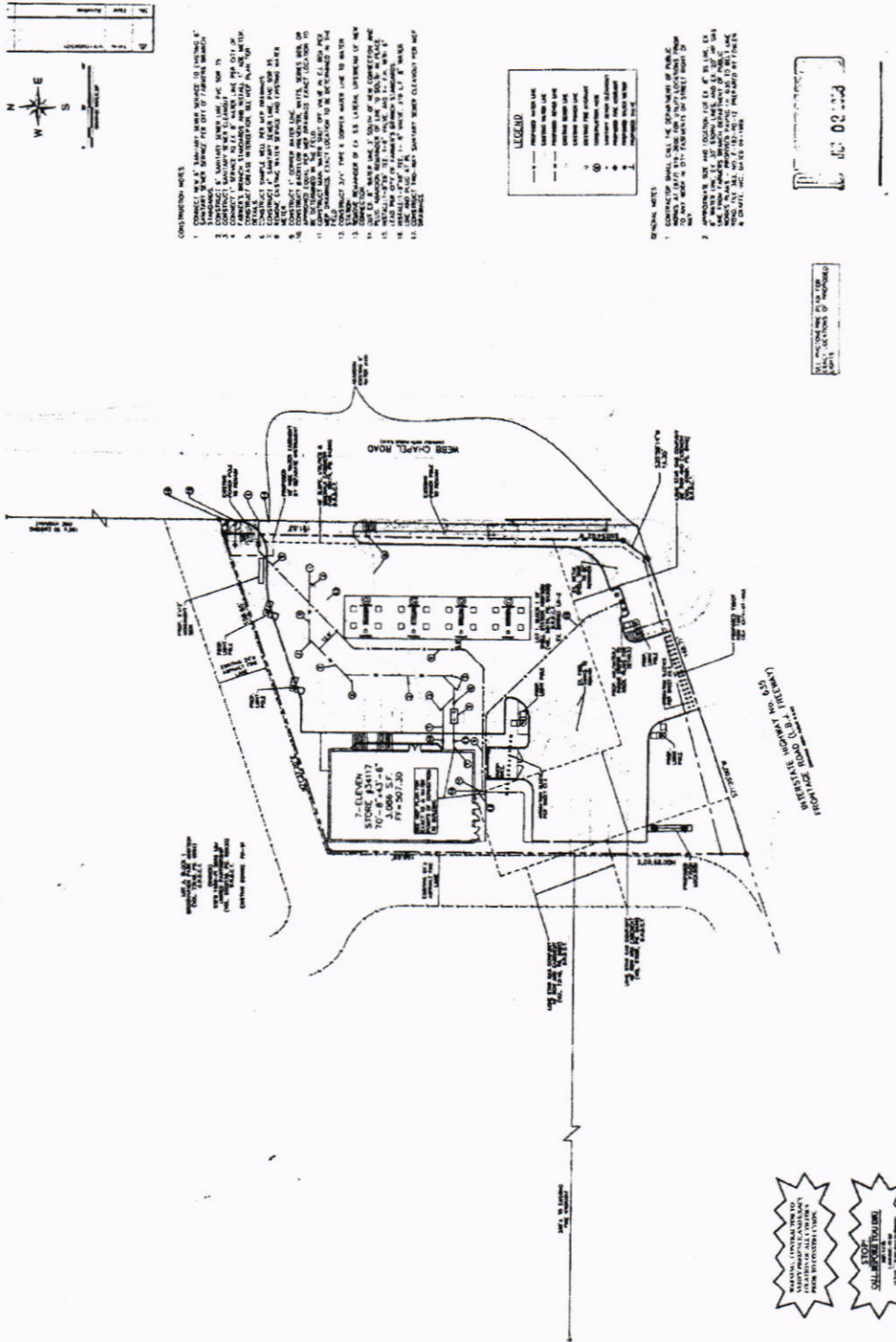
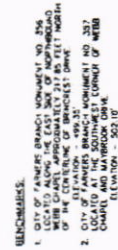


EXHIBIT "C"



(COVER)
1998-PI 2995 LBY
JLD PARTNER/CH
2007 38, PL. 03933
C.R.O.C.
MAG COVER: PD-91



SITE PLAN (Landscape Plan Sheet)

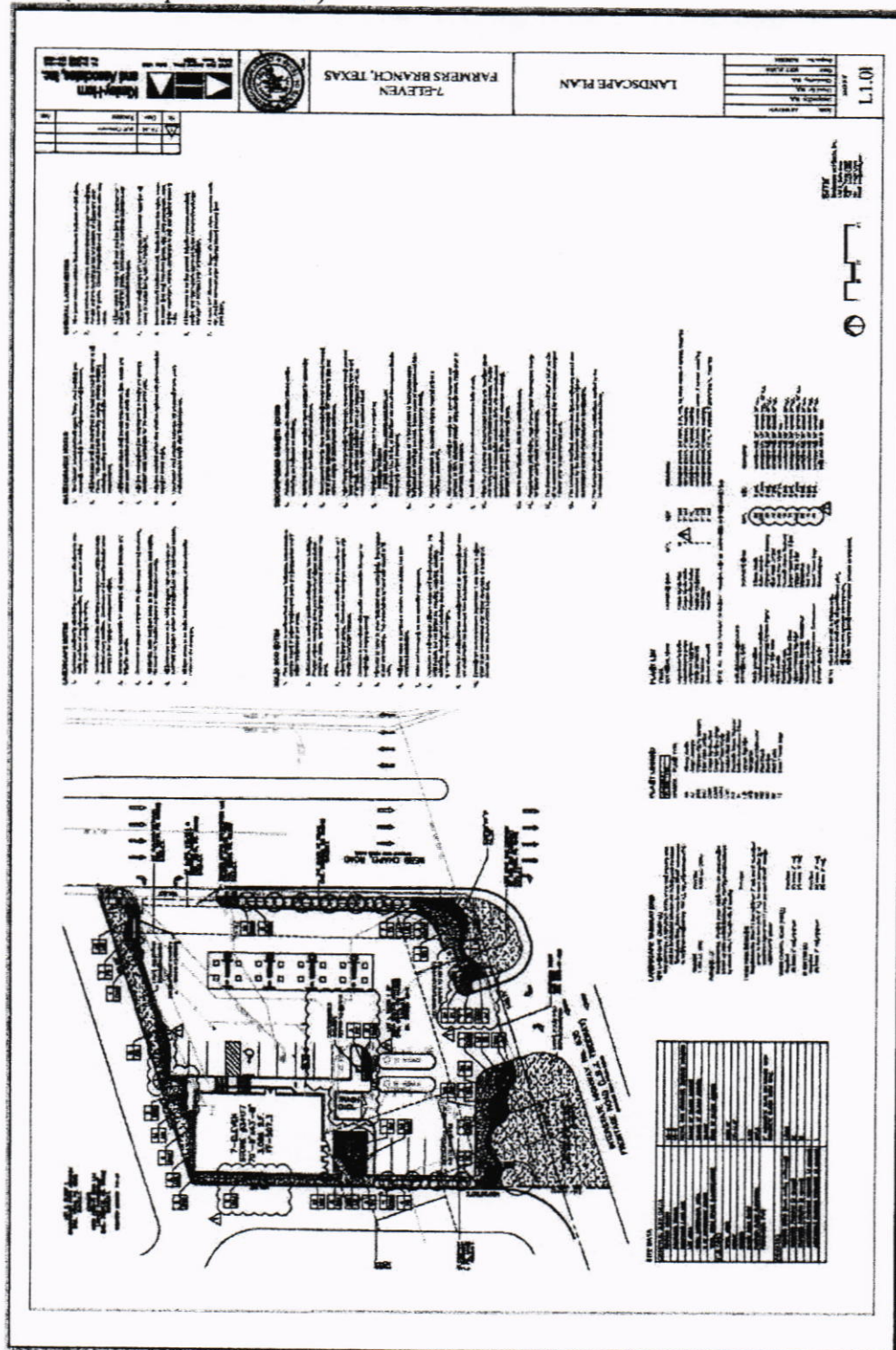


EXHIBIT "C"

SITE PLAN (Photometric Lighting Plan Sheet)

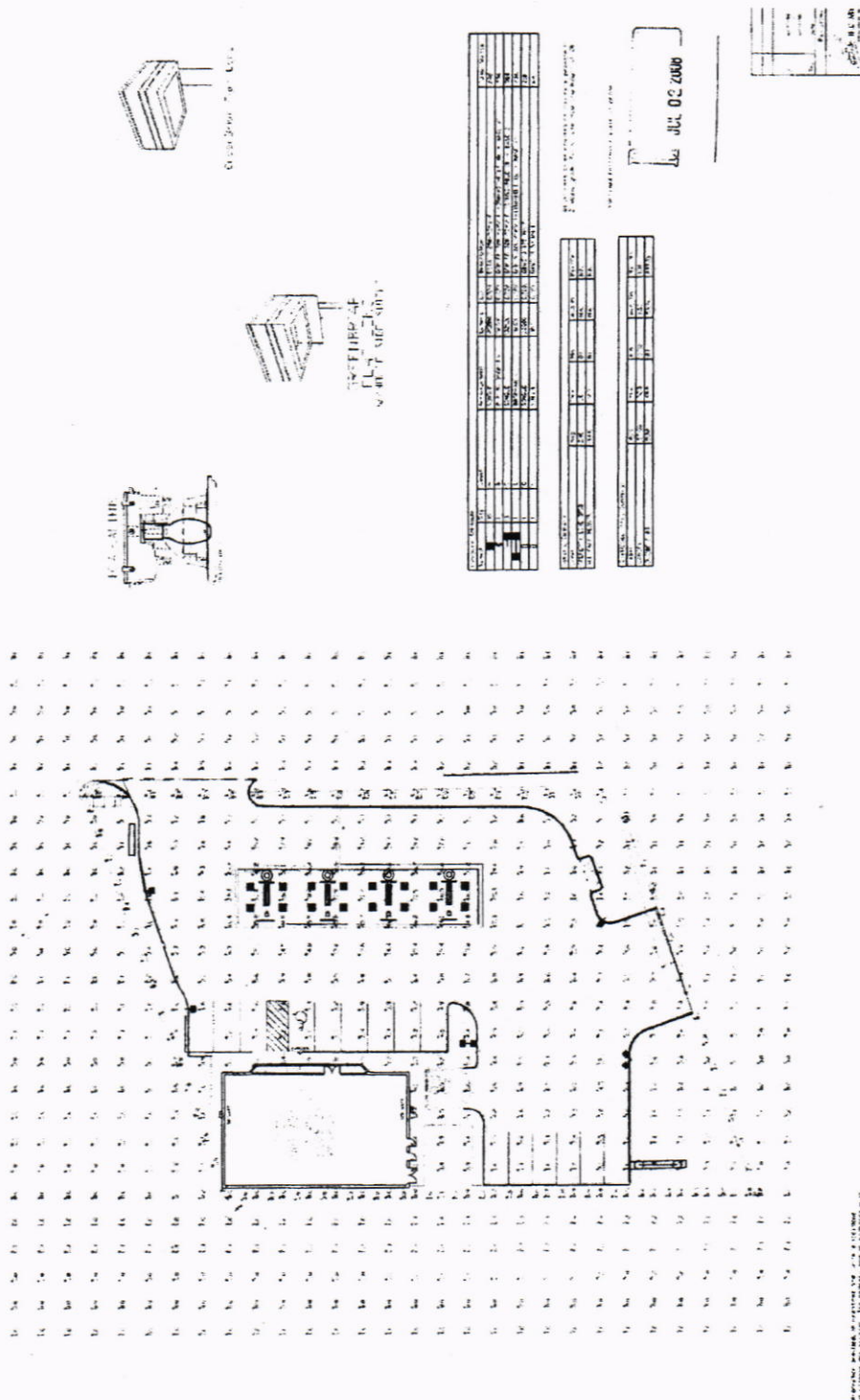


EXHIBIT "C"